

MAIN ROADS AMENDMENT BILL 2023

Second Reading

Resumed from an earlier stage of the sitting.

HON NEIL THOMSON (Mining and Pastoral) [5.32 pm]: Before question time, I was speaking about Hon Rita Saffioti's comments on facilitating the operation of road service centres, roadhouses, and acquiring and leasing land for any purposes under the act. I would certainly like some commentary in response to what restrictions might be applied to Main Roads. It will be interesting to hear, during the clause 1 debate, the sorts of activities that Main Roads might be able to undertake under these new provisions, such as leasing or even acquiring land. It may acquire land for the ongoing purpose of leasing land. Once we open up the capacity for this agency to operate effectively beyond the very narrow scope of what one might consider to be normal practice in the operations that Main Roads has traditionally embarked upon—to ensure that our transport network operates efficiently—there will be this challenge. The point of my comments before question time was a concern about the potential for a future arrangement whereby Main Roads ends up doing too many things that in some way distracts it from that very important delivery of the official road network.

We have a serious challenge with the delivery of our transport network. Our transport network is under increasing pressure. A number of factors are impacting on our transport network, including climate change. We have had at least two, if not three, major disruptions in recent times to the provision of logistics into the state, one of which happened to be in a state outside the jurisdiction of Main Roads—namely, the derailment in Victoria. But there are certainly issues with the Nullarbor Plain and flooding. Fires have also imposed short-term, not necessarily long-term, challenges for our state.

The biggest challenge after the flooding in the north of our state on 2 and 3 January this year—I have spoken about this many times in this place—was the closure of our main highway for 105 days, with subsequent further closures for six, seven or eight days when the river levels rose and did not subside. We hope that with the good work that was done on the alliance project—during question time, I asked about that \$300 million project—we will not see a disruption of transport going forward.

Main Roads, in partnership with the Shire of Halls Creek, is managing the very important project to seal Tanami Road, which is in the region with which I am familiar in the Kimberley. Those projects are the important core business of Main Roads. In fact, I would go so far as to say that once the government gets past its massive civil construction splurge on freeways in the sky for rail transport—I am talking about those concrete monstrosities that will be built on the Armadale line and are being constructed in and around Maylands—it is certainly my opinion that in 10 or 20 years, people will look back and wonder what transpired with the urban planning environment. I am sure that members opposite will completely disagree with me. Once we get beyond the massive investment to extend the urban rail network and the delivery of those projects, I hope there will be a significant shift in the focus of Main Roads to build transport resilience. A lack of transport resilience in our logistics supply is the number one threat to the future of our state.

Yesterday, Hon Kyle McGinn presented a committee report on shipping arrangements to try to deal with transport resilience. I have not had time to look at the report, but I will look at it with interest. I certainly hope that the government does not use the same kind of principle of turning Main Roads into a competitor with the private sector potentially and it does not resurrect the idea of coastal ships—the old State Ships will return! Hon Kyle McGinn would never support that concept. I raise these issues because they obviously excite Hon Kyle McGinn.

Hon Kyle McGinn interjected.

Hon NEIL THOMSON: Deputy President, I address my comments to you.

The ACTING PRESIDENT (Hon Dr Sally Talbot): Order! I am finding it quite difficult to hear Hon Neil Thomson, who has a loud voice. Hon Kyle McGinn, I will give you the call next if you wish.

Hon NEIL THOMSON: Thank you, Acting President. I am glad that I am able to improve the circulation of the honourable member.

The pertinent matter that I raise, which has been the subject to interjections, is the issue of transport resilience.

Hon Kyle McGinn interjected.

Hon NEIL THOMSON: If the focus of the minister —

Hon Kyle McGinn interjected.

Hon NEIL THOMSON: If the focus of the minister, Acting President —

The ACTING PRESIDENT: That did it. Hon Neil Thomson is the only person with the call.

Hon NEIL THOMSON: Thank you, Acting President.

If the focus of the minister was on the issue of improving Main Roads' capacity to deliver transport resilience, the government would have the opposition's full-throated support for the Main Roads Amendment Bill 2023. As I have said, I am concerned that we are potentially distracting Main Roads with a range of other possibilities. I am sure that Hon Dr Steve Thomas will have some comments on this matter because in his role as shadow Minister for Finance, he is very interested in government trading enterprises. There is a normal convention within government. The need for a government trading enterprise is usually in the space of some form of public interest argument around the delivery of services by a monopoly utility provider, such as the Water Corporation or Western Power, and one could argue about the value of that, of course.

The issue is that under their legislation, government trading enterprises are subject to a whole range of controls and commercial disciplines. The problem with the addition of some of these matters into the Main Roads Act is that I am not seeing—I challenge the minister—the capacity for similar controls to be imposed on Main Roads when it undertakes those activities, which the minister outlined, such as facilitating the operation of road service centres, for example, for roadhouses. Certainly, they are not monopoly services or necessarily services that could not readily be delivered by the private sector. It can acquire land to lease for any purposes under the legislation. The issue is about discipline and accountability. That is an issue of concern, particularly given the track record of the Minister for Transport, who has a habit of running late.

I know that the Minister for Transport, Rita Saffioti, has a lot on her plate in making sure that the state's finances are properly maintained. In fact, the Treasurer; Minister for Transport started her stellar career as a graduate in the Department of Treasury when I was on the same floor in the Treasury department; in fact, she was a member of the government trading enterprise unit so she is very familiar with the disciplines imposed on government trading enterprises. When the Minister for Transport considers the matters of Main Roads that are subject to the approval of the minister and Treasurer and she signs off on them, I encourage her to go back to the notes she might have in a file somewhere about government trading enterprises. She might seek the advice of the government trading enterprise unit if it still exists within the Department of Treasury. She should get advice about whether this meets the public interest test and whether those activities will be subjected to the strict financial controls and strict commercial disciplines to which they should be subjected. I raise that issue because it is very important. I know that members opposite continue to object on this, but the issue here is that I think it is in their interest. As I would advise the Labor Party room, one of the challenges, of course, going forward will be that the Minister for Transport, as Treasurer, will want to have a very big hand in the state's budget to achieve the emerging and very important deadlines that she has committed to on a range of projects.

I look forward to seeing the budget next year. I wish I could be a fly on the wall in cabinet discussions. I cannot be, obviously, but I wish I could be a fly on the wall because I am sure that the United Workers Union faction will be very interested to see Hon Amber-Jade Sanderson delivered as the new Premier of the state. I would be very interested to see that happen because I know that Hon Amber-Jade Sanderson has a number of challenges in health delivery.

The Minister for Transport, who will be responsible for Main Roads Western Australia's new commercial powers, will also be responsible for issuing the budget. I think that creates some risk within the Labor party room and among those who might have other ambitions. I am sure that they will all want to have a good, clean bill of health when they go into the 2025 election, and that might require considerable spending in their portfolios. That balancing act might be something that the party roomers might want to do in this place—namely, provide very good advice to the state Parliamentary Labor Party about how its future considerations of those portfolios might be readjusted in the early months of 2024, before things are too late.

The Minister for Transport, in her second reading speech for this matter, said —

The bill will also update the definition of “works” to capture a wider range of activities; update penalties so they are a deterrent and provide the means to enforce them through an infringement process ...

I think it is very important that we think about what we are doing when we provide increased and widened regulatory powers to an agency. I am sure that the regulatory powers will be easily explainable in the clause 1 debate, given that the bill will also broaden the scope of works and provide powers to undertake profit-sharing arrangements. It will enable Main Roads to undertake a whole range of leasing and acquisition arrangements, jump into partnerships for roadhouses and road service centres, and undertake anything that it might consider appropriate in a commercial context for its purposes under the act. Again, there seems to be a need to ring fence potential activities within Main Roads, given that it might have the legal capacity to constrain or impose its will, as it were, and not be controlled. I am certainly not suggesting that the Commissioner of Main Roads would ever entertain such a notion, but I know that we have a minister with a particular penchant for dealing with the delivery of things and ensuring that time lines are met, maybe at the expense of other elements within the state government's portfolio. The question is: are these things in the public interest?

We see that Main Roads, through an infringement process, would be able to “provide expanded regulation-making powers”. Again, we are expanding the regulation-making powers —

... especially around managing land and the roadside; provide the power to conduct works on land adjoining the road reserve; remove outdated barriers to administrative efficiency ...

This is fantastic. I love the code here because I know how Hon Rita Saffioti works and I know how this government works. They love throwing around these lines out about “modernisation” and “outdated” things. It is always code for something, which usually ends up as we saw with the so-called outdated Aboriginal heritage legislation. After some debate, we now return to those outdated laws as the model going forward because, clearly, the government’s claims were obviously completely inadequate or completely deficient.

The final statement on this line is —

... and provide legal protection to Main Roads officers who are doing their jobs.

There is a challenge here. I am sure that it is important to have legal protection, but I raise the issue of making sure that those legal protections are not at the expense of any level of competition in our market. The minister said —

By giving Main Roads the powers to more effectively manage the road reserve and act in a commercial fashion, it will be able to operate like a modern road authority and serve an ever-increasing demand well into the future.

Again, she mentioned a “modern” road authority. My first query of the minister representing the Minister for Transport is: please explain in detail what a modern road authority is. Has the Minister for Transport compared road authorities across the world and made an assessment of what constitutes a modern road authority? Has the Minister for Transport done a detailed analysis of best practice for the concept of a modern road authority? Does the Minister for Transport have evidence that Main Roads in its current configuration is not a modern road authority? That in itself raises a question: given the extraordinary responsibilities that Main Roads is being given, may it be an antiquated road authority? That would be the opposite of a modern road authority. I do not think for one moment that Main Roads is anything like an antiquated road authority. These words are flung around.

People on the other side might snigger or laugh or think I am not making a point, but I am making a point. I am glad that members on the other side agree. The issue of Main Roads as a modern road authority being questionable needs to be justified in the public interest. We do not want to see unintended consequences, empire building and private opportunities, and the flexibility and innovation of the wonderful private sector being somehow curtailed.

We do not want to see members of the Parliamentary Labor Party who represent other portfolios being crowded out by the activities of Main Roads. I refer specifically to the Minister for Planning, Hon John Carey, who has an extraordinarily difficult job at the moment picking up the pieces of the mess left by Hon Rita Saffioti in her role as Minister for Planning. It is an extraordinarily difficult job, and I feel very strongly for Hon John Carey in his role of trying to deal with the housing crisis that Western Australia now faces after the challenges that arose due to a range of decisions made by the WA Labor government over the last seven years. WA has a record low delivery of housing. I feel for Hon John Carey. I hope that his activities will not be in any way crowded out by the more rapacious agency that comes under the ambit of the Minister for Transport, the selfsame Treasurer.

The Minister for Transport went on to say —

This bill will improve the way in which Main Roads operates, open up opportunities for the state, and lead to improved efficiencies and delivery of services, to the benefit of the community and the economy.

She mentioned the economy. I have just spent some time on the number one priority, and we have had commentary made by others by way of interjection across the floor. I do not see in this bill a focus on the issue of transport resilience. I speak to the transport industry, and it says that it is the number one issue. I refer to transport efficiency, transport resilience, the reduction in the cost of transport and the impact of massive fuel price increases. One great thing about my role as a member representing the vast 2.2 million square kilometres of the Mining and Pastoral Region is that I get to drive across that region.

Hon Wilson Tucker: The best region of all.

Hon NEIL THOMSON: Thank you, Hon Wilson Tucker, for that interjection. It is the best.

Hon Stephen Dawson: I reckon it’s the best region too.

Several members interjected.

Hon NEIL THOMSON: We are getting a few; at least we are agreeing on something today! I get to drive across that region. I have to say that the standard of roading is very good in places. However, there are points on our road network that would be much better serviced if there were a greater focus on the core business of Main Roads. This

is why I come back to these things. We will get through this massive civil construction piece, for which I hope I will not see further escalation in the budget. My colleague Hon Tjorn Sibma may correct me on this matter, but I believe that the cost of the Metronet project started at something in the order of \$3 billion and has now escalated to in excess of \$13 billion. Meanwhile, as we drive from Perth to Kalgoorlie yet again on our regular trips on that road, we see that large sections of it, quite frankly, are falling apart. There is some work ongoing, and that is great to see, but there are large sections that need work. Certainly, as I sit in the pillion seat and try to do a bit of work on my computer, I can tell members that a fair bit of typing of an involuntary nature occurs, one could say, because of the problems with that road surface.

We have challenges on some of our northern roads. Sections of North West Coastal Highway are great, but a large amount of money goes into that road, on which a stream of road trains operates down to Port Hedland. I know that, again, there are some plans for works to be upgraded, but I can tell members that when we compare that with the incredible vitality that road provides for our economy, we have many challenges with the quad road trains that operate on that road and their interaction with our general motoring transport.

I note that provisions in this bill will allow the state the opportunity to operate slip roads and engage in a partnership, by the look of it, for the delivery of mining-funded roads that might be next to or adjoining a major highway. Those things are certainly sensible if they can be delivered in a way that is complementary to the broader objective of delivering transport resilience and improving safety. A few more controls on that might have given me more comfort, and members would not have had to listen to this speech tonight.

Hon Tjorn Sibma: I think we all benefit from listening to you. I'm highly invested in this.

Hon NEIL THOMSON: I thank Hon Tjorn Sibma for the interjection. I hope that ends up in *Hansard*, because I like interjections that are complimentary to my capacity to explain the finer points of policy to the Parliamentary Labor Party, which is sitting with great bated breath as it hatches its plans for 2024 for the leadership and particularly the portfolio distribution of the Parliamentary Labor Party.

I get back to the point. Partnership opportunities with the private sector exist, and I would support them. They could improve Main Roads' capacity on that very important road from Munjina Gorge down to Port Hedland. Certainly, I would like to see less burden on Main Roads so that it has the capacity to source those civil construction works in a timelier way, and is able to deliver the Manuwarra Red Dog Highway, for example. It has had challenges with delivering that on time. I mentioned the Tanami Road and some of the delays that were implemented by the Albanese government. The first thing it did was defer the cash flow for that.

There is some good work going on. Obviously, I very strongly support the workers of Main Roads and the fantastic outcome with timing and getting the Fitzroy Crossing Bridge finished, but I would really have liked to see the minister put in place a bill that would really sharpen up to the greatest extent possible the ability to build transport resilience into our Western Australian economy. That is the number one request I hear from organisations such as the Western Roads Federation. That is a big issue for that organisation. It is concerned about the future of our transport resilience and the efficiency of our transport network. We need to make sure that we have the capacity to make the transition into new technologies as our trucking industry evolves. We want to make sure we can face the challenges ahead, and that Main Roads is fully equipped to deal with coming challenges, with the possibility of more intense storm events such as the storm we saw in January 2023, which did immense damage.

In saying that, for the record, before those opposite might try to otherwise misrepresent me, I commend Main Roads for the time it took to get the repairs done to the road between Broome and Derby, for example. That was an enormous task. I thought that was a good example of a modern road authority operating the way it should. Again, I want to see evidence that it is not a modern road authority, given that the minister seems to think that it is not. I hope that as we get to the finer points in clause 1, we can outline in great detail with evidence how every single one of these additional powers will provide Main Roads with the capacity to deliver that core business.

I do not have much time left, but we will go into a lot of these provisions during the clause-by-clause discussion. I note the provisions on the charging of infrastructure activities associated with providing access. I could talk at length about that. I would love to see more on the issue of better monitoring, but I am running out of time. I would love to see some accountability in the bill for the delivery of more data to address the sorts of questions that we ask in this place time and again, month after month, and do not get any answers on. As the shadow Minister for Planning, I particularly ask questions on traffic congestion. I think there is some missed opportunity here. We are supporting the bill, but at the end of the day, there are so many questions that need to be asked, and that is why we have this opportunity.

HON BEN DAWKINS (South West) [5.39 pm]: I rise very briefly today. Hon Neil Thomson has covered some very valid points. I think Hon Steve Martin mentioned in a member's statement—I could be wrong—that Main Roads already has a very dominant and, it might be said, inflexible and powerful position in this state, especially in the regions when trying to get approvals for things. It might be said that Main Roads is quite a prickly organisation to

deal with at times. The Main Roads Amendment Bill 2023 seems to be embarking upon granting a whole new set of powers. We can and will go over those in detail when we go through the bill clause by clause. In my short time in this place so far, I have been trying to understand the dynamics. Hon Neil Thomson, from what it would seem, has outlined a heap of areas within the bill that would be worthy of potentially proposing amendments to. However, the part that I find a little confusing is that the opposition is already saying that it will support the bill. I do not know how to reconcile those two things. The member identified all those problems but it appears that the bill will be passed with the agreement of the opposition. As an example, I heard Hon Dr Steve Thomas on the radio last week talk about some of the problems with the Auditor General Amendment Bill that are now coming to light. However, it was supported at the time by the Liberal Party. My concern is that there is not much point raising problems once a bill is assented to and the problems emerge and impact the community such as those with the Office of the Auditor General and her concerns about her powers being curtailed. Let us get it right when the bill is before the house, please. From much of what Hon Neil Thomson has said, it seems that that will happen again.

In my short time in this place, there appears to be a trend in this state of the public service potentially having an excessive influence on the executive. I do not know how these bills come into being. I am talking about the Workers Compensation and Injury Management Bill 2023 and this bill. The public authorities seem to have an influence on writing the bills. There is an issue involving the separation of powers. I am heartened by the fact that I know Hon Dr Steve Thomas will talk on this bill and about some of the measures that may be put in place, especially as Main Roads seems to be moving, in some respects, towards becoming a government trading enterprise. I hope that Hon Dr Brad Pettitt can see the proper way—we will speak about this—for government to operate and not to enter into commercial activities without proper constraints being put in place, at least.

Generally speaking, I have read the clauses of the bill and asked questions about it. We are talking about additional commercial activities and collecting additional levies through this bill, from what I can understand. The bill deals also with profit sharing, which is quite scary because of the conflicts of interest that might create. I am lucky enough to have a property lawyer on my staff. This bill raises significant issues about land tenure, subdivision and the registration of property interests. All these things are, on the face of it, a bit murky. I hope that my friends on this side of the house will be able to delve down into those clauses as we move into the committee stage and maybe reassure us that when this bill receives assent, we will not have to answer our constituents' questions when they realise the impacts of these changes. Let us nip it in the bud now, please. That is my request on this side of the house. At least propose some amendments to it.

Obviously, when the Minister for Transport, Hon Rita Saffioti, was the Minister for Planning, she showed a propensity to be somewhat pro-development. I see parallels with this and the creation of a quasi-government trading enterprise. I have concerns about how this government seems to overreach in these bills that come before the house. It is doing that by stealth in a sense because the Main Roads Amendment Bill, which probably does not sound sexy, will amend the Main Roads Act, but there may be some devil in the detail. This bill did not jump off the page until my staff member with a background in property law started to delve into some of these clauses.

Members can imagine the ethical conflicts of interest that might arise with profit sharing. As Hon Neil Thomson said, ethical issues could arise with the government effectively getting into the space of big business. We are well aware of the types of ethical conflicts that can arise. To the extent that we can, I think we should turn our ethical and legal minds to that and make sure that we will not create a monster.

I will let other honourable members have their say, but I question the idea, at this early stage, of simply saying that I will support the bill because at the committee stage we may find that some of these provisions go beyond what we think is reasonable and safe. It may be exposed at the committee stage and amendments may be required.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [5.56 pm]: I do not propose to use my full time this afternoon to speak on the Main Roads Amendment Bill 2023, but I might address a few issues if I can and perhaps some of the comments that have been made. Hon Ben Dawkins talked about the difficulty of legislation and the legislative process. It is a difficult process. If it were simple, we would not have to be here. Having public servants intimately involved in the drafting of legislation is quite normal. It is very hard to draft legislation without them because there are not many people in this chamber who could sit down and draft legislation. There might be a closet genius or two floating about —

Hon Ben Dawkins: The separation of powers.

Hon Dr STEVE THOMAS: The separation of powers is a slightly different issue that a number of people such as Pauline Hanson and others have had an issue with. The separation of powers refers to the executive, the judiciary and the legislature. It is part of the executive, but not in its entirety. Each branch has to be independently managed and held accountable in their own way. The accountability is different for all those branches. In this case, the separation of powers does not mean that we would get a different outcome from the legislative process. It is normal and we could not write legislation for the state without the public service working on it and ultimately drafting and testing it. The member is correct that that is not to say that all legislation is perfect. There was a very good example

of that with the legislation that we dealt with over the last week up until yesterday. That legislation was far from perfect and was repealed. That was a fairly extreme measure that we will probably never see again. However, not much legislation comes in that is perfect.

Hon Ben Dawkins interjected.

Hon Dr STEVE THOMAS: I will get back to Main Roads, but not much legislation arrives in a perfect form. If the only legislation we debated in Parliament was that which changed over time so that it needed to be adjusted rather than improved, not much legislation would go through the house. Most legislation goes through, in my view, with a number of flaws. Sometimes politics is the art of the possible, particularly when in opposition without having the power to change the outcomes. The art here is to try to improve the legislation if we can. That does not often occur by taking an antagonistic approach to the party that holds government and has the numbers in the house.

We have digressed a little bit and I apologise for that, but I am often asked what contribution the opposition makes in Parliament given that the government has its way anyway. That is absolutely true. There is this old truism in politics that says that the opposition has its say and the government has its way, but at times when the government has had the numbers, it has still altered legislation based on the arguments of the opposition in putting forward amendments that improve the outcome. It does happen. It has happened in this Parliament—most recently with an amendment moved by Hon Martin Aldridge. It has happened before. It happened in the previous Parliament. The Minister for Emergency Services, who was the Minister for Environment when I moved a number of amendments to the environmental protection bill when it was revamped, accepted about half of them. I think he was absolutely wrong in not accepting them all, and others on his side might think it was wrong to accept any of them! I thought some critical amendments did not get up, but I tell members what: the result of that process is that we made legislation better, and that is the art of Parliament; that is what this job is about. The best outcome that we can get for the people we represent is to have a forthright and relatively positive interaction and to try to make the legislation better than it currently is. That is not the easiest thing in the world and it does not automatically happen. I have never seen a page in the newspaper that said Hon Stephen Dawson and Hon Dr Steve Thomas agreed on something, made a change for the better and everybody thought it was good. That will never get a run. We do not hear that on the radio. I am never on the radio saying that. Actually, that is not true, sometimes I have said that on occasions, to the chagrin of some in the Liberal Party. But that never gets a run; that stuff is not what gets a run. What we do is not just theatrics of the Parliament that people see on television. To be honest, if lower house question time was people's only experience of Parliament, they would end up with a very grim view of Parliament. We have all been told that we are a bunch of idiots and that we look like a bunch of clowns and cowboys. I tell people who say that they have only watched lower house question time—not our lower house specifically, but any lower house. It is an oppositional process. The federal lower house is the worst of the lot in Australia. People want to look at what happens in Taiwan, for example, to see things really kick off.

Hon Ben Dawkins: Adversarial!

Hon Dr STEVE THOMAS: Yes.

That is the role of politics and Parliament. The best thing we can do is to try to make improvements and, at the very least, to raise concerns.

The Auditor General Act was raised. I supported the amendment bill. I cannot remember how much legal advice I read into that debate, but it was an enormous amount. I had to get special dispensation from the Leader of the House, who is absent from the chamber on urgent parliamentary business. I could not read all this legal advice in during my second reading contribution, for which I had one hour, so I had to add it to the debate on clause 1, which is probably fairly unheard of, but that is what happens when we try to develop, at least, a working relationship in which significant issues are ventilated. There are differences of opinion about the outcomes of some bills. Some of that has to be tested after the fact. The Aboriginal Cultural Heritage Bill was a good example of that. The regulations came along and they were worse than the bill. They were a major contributor to why the legislation was repealed. Legislation is not necessarily perfect when it arrives, and the job here is to try to make it better as best we can. The joy of opposition and the crossbench is that we do not get much opportunity to do that, so I would not squander it when there is an opportunity. That is not to say that I do not enjoy a bit of robust debate; I do, and I always enjoy my Thursdays in particular.

Hon Stephen Dawson: I am disappointed I am going to miss that tomorrow!

Hon Dr STEVE THOMAS: Will the minister miss that? There are some questions for him.

Hon Stephen Dawson: There will be answers.

Hon Dr STEVE THOMAS: Someone else will have the fun!

Hon Stephen Dawson: Yes, but I am disappointed I will not be able to deadpan deliver them myself!

Hon Dr STEVE THOMAS: Tomorrow may well be the day I bring the government down, and the minister will not be here for it, which I know will be immensely disappointing for him!

I appreciate the diversion we have had. I am simply responding to some of the comments that have been made today. The opposition will do its very best to try to raise issues of concern, at the very least point them out, so people who come after us and interpret the legislation are aware of the intent of the Parliament. That is often what it is about because when the High Court or another court looks at legislation, they do not just look at the legislation; they look at the debate that occurred and the questions of the opposition and the crossbench to determine the intent of the government. It helps pin that intent and process down.

I turn to the issue at hand, which is an expansion of the role of Main Roads to engage in somewhat more businesslike activities. I will put my first and primary concern on the table at the start of this process. I like to consider myself somewhere between far right and extreme right in my politics. I take a principled view that one of the most important roles that the government, and in that I include the executive and the public service, can have is to get out of the way of the private sector as much as possible.

Hon Neil Thomson: I knew Hon Dr Steve Thomas was going to get to this more right wing part of the debate.

Hon Dr STEVE THOMAS: Yes. The joy is that for the previous four years and these four years there has been no-one to the right of me in the Parliament of Western Australia.

Hon Colin de Grussa: As far right as you can be!

Hon Dr STEVE THOMAS: I am as far right as I can get at the moment! I will throw that out there.

The issue I have is that I think the role of government is to get out of the way as much as possible—to regulate as required and to maintain as best it can. I consider it a fringe benefit to protect the community and the environment. The government's role is to allow the private sector to flourish. I think anything else is a problem. I notice that in the bill before the house, there is effectively an expansion of the private sector role of the public sector; that is, we are enabling the public sector to be involved and engaged in a wider business model. The minister might argue in the not-too-distant future that this is occurring because of market failure, and I think that is the standard and threshold by which the government wants to measure itself—market failure. If the market is failing, the public sector and the government should step in. The question that needs to be answered is: what is the market failure that this proposed extended role for Main Roads WA is addressing? We need to make sure that what is proposed addresses the market failure that has been identified. For example, if one of the market failures is that there are not enough electrical charging stations along major highways of Western Australia, is that a driving force? Main Roads might be used as a vehicle to get more charging stations, particularly fast ones, out there because charging takes a fair while. An electric vehicle plugged into an ordinary 240-volt socket takes a long time to charge up. A number of people I know have experimented and come back to the station one day later to see whether they had enough charge in the battery to get into town or not! Perhaps that is part of the market failure the government is trying to address as part of this bill. If so, it should be identified up-front. One thing I would like to hear about during the debate, and it might happen a bit more in the clause 1 debate, is the market failure. Is that part of the market failure? What market failure is the government trying to address? I would hate to think that this is simply an opportunity for Main Roads WA to become a partial government trading enterprise and get involved in the industry. Is it the case that the private sector will not pick up these services?

I think the role of government is largely to get out of the way. If government made land available and provided the services that it is obliged to provide, as is done with all land, particularly electricity, water, wastewater and road and transport infrastructure—most of that is provided by government trading enterprises, including electricity, water and wastewater—and it is not hindering the planning process, I would have thought the private sector would step up in most circumstances. Perhaps it will not. I guess this should be highlighted in the second-best electorate in the state, the Mining and Pastoral Region, where there are significant distances between charging stations and service stations et cetera. It is an issue that those in the best part of the state and the best electorate in the South West Region do not have so much, but it is potentially an issue. If that is what we are trying to address, at least we need to be up-front about that process. How has the government, either separately or through Main Roads, tested that marketplace to see that it is genuinely failing? If the government says that it needs to do this because of a market failure, no electric recharging stations will be put in already established service stations, for example. If the government says that it has tested the marketplace and no-one wants to do it, we would say that there is demonstrated market failure and we can see a valid reason for the legislation, which my friend Hon Neil Thomson says the opposition is supporting.

Hon Neil Thomson: The problem is that the Treasurer, who is the same person as the Minister for Transport, gets to approve these.

Hon Dr STEVE THOMAS: The member is right. There is a humorous component where a minister who is the Treasurer and another minister approves their own stuff, but it is not the first time that has happened. My friend—

I think he is still the honourable Troy Buswell, and he is still my friend, despite his foibles, which we will not go through in Parliament, despite me having parliamentary privilege—was Treasurer as well as transport minister at the same time and approved his own stuff.

Hon Stephen Dawson: Surely it went through a process.

Hon Dr STEVE THOMAS: Yes, that is what I was about to say. It went through a cabinet process. Some of the arguments and fights over that were legendary, involving shouting matches and all sorts of things, which, again, I will not repeat, despite the fact that I have parliamentary privilege in this place. It has happened. I suspect that it will happen again one day. The question is not necessarily whether it is doable—it is doable; the question is: how is it done and how is it performed? We have been sidetracked again, which is a terrible habit to get into. I keep getting led astray.

The other issue that I wanted to raise relates to market failure. If we are asking Main Roads WA to step into a market, what credentials does Main Roads WA have to do that? Is Main Roads WA the best vehicle for the government to effectively be engaged in an additional marketplace? At some point in the debate, we need to explore the limits of the expansion that will be applied to Main Roads WA and how far the legislation will allow it to go. Will it simply provide roadside support or will Main Roads WA potentially be involved in other businesses? I will probably quite shamelessly try to get the minister on the record to say, “These are the limits that will be applied. They can go to these businesses but none of the others.” The minister might be in a position to talk about that or it might be something to be discussed during consideration of clause 1. Exactly how far Main Roads can go is critical. If the government said that there may be market failure because of EV charging and it can only effectively assist the process by providing land and going into a lease arrangement for roadside service stations that can provide charging stations, that is fine. We need to justify the fact. We are interfering with the private marketplace so we have to demonstrate market failure.

The other thing we have to demonstrate is no market advantage. If Main Roads is engaged with a business that is running a recharging and fuel station on one side of the highway, probably in the second-best electorate in the state, and on the other side is a block of land that was bought by a private sector investor—they are big blocks in the minister’s part of the world—who might have outlaid a reasonable amount of money, they may be at a financial disadvantage. I am assuming that there would be a market test in that process so that Main Roads WA will not provide a distinct market advantage for one operator over another. I also assume—I will ask the minister to confirm—that there will be an open tender process when opportunities arise. If we are not careful, there is a risk of corruption. It will simply take strong overall management, and good policies and procedures will need to be in place to make sure it does not occur. I think that is critical.

The final part of this process—I want to leave time for other members to speak, and we have a motion to deal with in a minute—relates to the performance of Main Roads and the oversight of the minister. That needs to be part of the debate.

How does Main Roads perform? In some areas, it has been reasonably good. For example, Main Roads is in charge of the Bunbury Outer Ring Road project. At a guess, the project started at \$700 million, it was costed at \$850 million and is currently costing \$1.35 billion, so it has a half-billion-dollar blowout. At the same time, the scope has reduced. The state is paying half a billion dollars more for less. If that is the standard that is being applied and the government can get away with that because ultimately the government underwrites the Main Roads process, I think we have an issue. On the other side, I think the Albany ring-road has blown out by about \$40 million, which, given the costs of construction et cetera, is probably the right price.

The performance of Main Roads needs to be part of this debate. It needs to be part of the outcome. I think we will raise that during consideration of clause 1 to make sure that that works. I know that other members would like to contribute. There is more I would like to say but I am happy to do that in the clause 1 debate.

We are here to help. This is the joy of the opposition. I will say most of the rest of the things I wanted to say during the debate on clause 1. I wanted to throw in those key things.

HON DR BRAD PETTITT (South Metropolitan) [6.08 pm]: I want to make a few brief comments on the Main Roads Amendment Bill 2023. Obviously, there are some quite good rational and logical things in the legislation that are worthy of support. Giving appropriate powers to put in some key roadside assets—from service stations to electric charging facilities and those kinds of things—are absolutely worthy of consideration and make a lot of sense as long as they are subject to the appropriate checks and balances. I think that was probably part of the point made by Hon Ben Dawkins; he was just ensuring that those things were covered.

Putting aside general agreement on what has been said already, I want to flag a couple of issues that I have some reservations about. We can unpack that a bit more when we go through Committee of the Whole. Interestingly, the bill refers to one of the new powers that will be given to Main Roads and the commissioner around offsets, whereby the department can provide offsets for clearing vegetation.

Thinking about that, again, it is sensible and rational, but I worry somewhat, partly because of the answers I have received to some questions about clearing that I asked previously in Parliament. People in this chamber might know that Main Roads Western Australia is by far the biggest clearer of native vegetation of any government department. In fact, on average, it clears about 400 hectares or more a year. To give members some context, over the last nine years, Main Roads has cleared 4 301 hectares. That is about 13 000 square metres of native vegetation, or just under the size of Optus Stadium, that are being cleared every day by Main Roads.

Of course, offsetting it is better than not offsetting it. The very important question is: why is it clearing? There is real danger in allowing offsets and that very large rate of clearing to become the new normal and embedded under the act. That certainly raises some concerns for me and it is something that I would be very keen to unpack in Committee of the Whole. For Main Roads to do its job well, it should avoid clearing native vegetation, not merely offset it. Offsets are not the same quality as the bush that has been cleared, and I highlight the corridor for the Bunbury Outer Ring Road as an example of that, for which native habitat for an endangered ringtail possum has been cleared and offsets used. This process is already being used, but it will be interesting to see how it will be formalised under this legislation.

The second issue that I want to raise is about proposed section 15B, “General functions of Commissioner”. Again, there are many rational and sensible bits in there, but if we are going to redo the Main Roads Act, it may be an opportunity to look at what road departments in other parts of Australia are doing, such as VicRoads. Similar things are happening with the roads department in New South Wales. One of its main plans has to be about how it is going to deliver mode share—actually give people transport choices to get out of their cars and into other modes, be it riding or catching public transport.

Hon Sue Ellery: Honourable member, will you take an interjection?

Hon Dr BRAD PETTITT: Yes.

Hon Sue Ellery: In about two minutes, I need you to seek leave to continue your remarks at the next day’s sitting, if you can do that.

Hon Dr BRAD PETTITT: I can certainly do that, although I probably have only about two minutes left in me anyway. Either way, I plan to wrap up in about two minutes.

The point I was trying to make is that as we transition to a more sustainable city, simply expanding roads is not the only option. We need Main Roads to be in the driver’s seat to enable that mode share to happen.

[Leave granted for the member’s speech to be continued at a later sitting.]

Debate adjourned, on motion by **Hon Peter Foster**.